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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/881,965 05/16/97 KUZMA

A 42390.P1901R

LM12/0425  
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LOS ANGELES CA 90025

EXAMINER

LEE, R

ART UNIT	PAPER NUMBER
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2713 8

**DATE MAILED:**  
04/25/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>08/881,965</b>	Applicant(s) <b>Kuzma</b>
	Examiner <b>Richard Lee</b>	Group Art Unit <b>2713</b>

Responsive to communication(s) filed on Feb 11, 2000

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-13 and 15-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-13 and 15-20 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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1. This application is objected to for the same reasons as set forth in paragraphs (4) to (6) of the last Office Action (see Paper no. 5). Though the applicant has indicated at page 9 of the amendment filed February 11, 2000 that the "Statement Under 37 CFR 3.73(b)" have been submitted, the Examiner can not find such certification in the file. It is apparent that such certification must have been inadvertently detached from the file. Please resubmit the certification under 37 CFR 3.73(b) for consideration by the Examiner (see also MPEP 324). The Examiner apologizes for any inconvenience that this may have caused for the applicant.
2. The reissue oath/declaration is defective for the same reasons as set forth in paragraph (8) of the last Office Action (see Paper no. 5). Though the new declaration filed February 11, 2000 stating at page 2 that "The claim contains excess limitations not necessary for patentability. For example, the claim contains excess limitations not necessary for distinguishing over the prior art. Also, the claim fails to cover embodiments of the invention as claimed in the above-identified reissue application.", such indication of errors however are not sufficient in satisfying the requirement to provide a statement of at least one error which is relied upon to support the reissue application. The applicant must identify in the reissue oath/declaration a single word, phrase, or expression in an original claim, and how it renders the original patent wholly or partly inoperative or invalid (see 37 CFR 1.175(a)(1) and MPEP 1414). For example, the applicant may indicate what original claimed limitation(s) is/are not necessarily required for patentability or for distinguishing over the prior art.

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3. Claims 1-13 and 15-20 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

4. The applicant is urged to submit the original patent or declaration since this application is in condition for allowance with the exception of the above.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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**6. Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

**Or:**

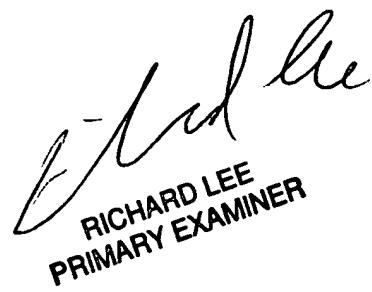
(703) 308-5359 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (703) 308-6612.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.



RICHARD LEE  
PRIMARY EXAMINER

Richard Lee/rl

4/11/00

